IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 36 OF 2005

SHRI HARI MHALU PAI RAIKAR(DEC.) BY ADMINISTRATOR SHRI KRISHNA MHALU PAI RAIKAR,PANAJI GOA ....Appellant

Versus

SMT.LAXMIBAI MHALU PAI RAIKAR(DEC.) ....Respondent

Mr. M. S. Usgaonkar, Senior Advocate with Mr. A.J. Kenkre, Advocate for the appellant.

Coram:- R. M. LODHA, J.

Date:- 5th October, 2005

P.C.

Heard Mr. M. S. Usgaonkar, the learned Senior Counsel for the appellant and Advocate Shri V.R. Tamba who has appeared for himself as well as for Advocate Shri G.V. Tamba pursuant to the private notice.

2. In my Order dated 29th September, 2005, I had already indicated that the impugned order did not call for any interference. However, the private notice was issued to the Advocates Shri G.V.Tamba and Shri V.R. Tamba to hear their views for expunction of the observations made by the learned trial Court in paragraph 13 of the impugned order viz:- "It appears that out of private personal vengeance the objectors want this Court to prohibit appearance of advocate which is not permissible.".

3. Advocate Shri V. R. Tamba submits that the observation came to be made by the learned trial Judge in view of the complaint made by the appellant.

4. Having considered the matter, I am of the view that the

observations made in paragraph 13 as noticed above was unnecessary and deserves to be expunged.

5. Accordingly, the observation made by the learned trial Judge in paragraph 13 of the impugned order, "It appears that out of private personal vengeance the objectors want this Court to prohibit appearance of advocate which is not permissible." is expunged. Save and exept the aforesaid expunction, the impugned order is maintained. The appeal from order is disposed of.

R. M. LODHA, J.

ssm.